

§ 380.111

49 CFR Ch. III (10–1–07 Edition)

failure. Automatic test failure determinations are made at the sole discretion of the qualified LCV driver-instructor.

(d) *Guidance for testing methods and proficiency determinations.* Motor carriers should refer to the Examiner's Manual for Commercial Driver's License Tests for help in developing testing methods and making proficiency determinations. You may obtain a copy of this document by contacting the American Association of Motor Vehicle Administrators (AAMVA), 4300 Wilson Boulevard, Suite 400, Arlington, Virginia 22203.

§ 380.111 Substitute for driver training.

(a) *Grandfather clause.* The LCV driver-training requirements specified in subpart B of this part do not apply to an individual who meets the conditions set forth in paragraphs (b), (c), and (d) of this section. A motor carrier must ensure that an individual claiming eligibility to operate an LCV on the basis of this section meets these conditions before allowing him/her to operate an LCV.

(b) An individual must certify that, during the 2-year period immediately preceding the date of application for a Certificate of Grandfathering, he/she had:

(1) A valid Class A CDL with a "double/triple trailers" endorsement;

(2) No more than one driver's license;

(3) No suspension, revocation, or cancellation of his/her CDL;

(4) No convictions for a major offense while operating a CMV as defined in § 383.51(b) of this subchapter;

(5) No convictions for a railroad-highway grade crossing offense while operating a CMV as defined in § 383.51(d) of this subchapter;

(6) No convictions for violating an out-of-service order as defined in § 383.51(e) of this subchapter;

(7) No more than one conviction for a serious traffic violation, as defined in § 383.5 of this subchapter, while operating a CMV; and

(8) No convictions for a violation of State or local law relating to motor vehicle traffic control arising in connection with any traffic crash while operating a CMV.

(c) An individual must certify and provide evidence that he/she:

(1) Is regularly employed in a job requiring the operation of a CMV that requires a CDL with a double/triple trailers endorsement; and

(2) Has operated, during the 2 years immediately preceding the date of application for a Certificate of Grandfathering, vehicles representative of the type of LCV that he/she seeks to continue operating.

(d) A motor carrier must issue a Certificate of Grandfathering to a person who meets the requirements of this section and must maintain a copy of the certificate in the individual's Driver Qualification file.

Longer Combination Vehicle (LCV) Driver-Training Certificate of Grandfathering	
I certify that _____ has presented evidence of meeting the prerequisites set forth in the Federal Motor Carrier Safety Regulations (49 CFR § 380.111) for the substitute for LCV driver training and is qualified to operate the LCVs indicated below:	
YES	NO
<input type="checkbox"/>	<input type="checkbox"/>
LCV Doubles	
<input type="checkbox"/>	<input type="checkbox"/>
LCV Triples	
DRIVER NAME (First name, MI, Last name)	
Commercial Driver's License Number	STATE
ADDRESS OF DRIVER (Street Address, City, State and Zip Code)	
FULL NAME OF MOTOR CARRIER	Telephone Number
ADDRESS OF PRINCIPAL PLACE OF BUSINESS (Street Address, City, State, and Zip Code)	
SIGNATURE OF MOTOR CARRIER OFFICIAL	DATE ISSUED

(e) An applicant may be grandfathered under this section only during the year following June 1, 2004.

§ 380.113 Employer responsibilities.

(a) No motor carrier shall:

(1) Allow, require, permit or authorize an individual to operate an LCV unless he/she meets the requirements in §§ 380.203 or 380.205 and has been issued the LCV driver-training certificate described in § 380.401. This provision does not apply to individuals who are eligible for the substitute for driver training provision in § 380.111.

(2) Allow, require, permit, or authorize an individual to operate an LCV which the LCV driver-training certificate, CDL, and CDL endorsement(s) do not authorize the driver to operate. This provision applies to individuals employed by or under contract to the motor carrier.

(b) A motor carrier that employs or has under contract LCV drivers shall provide evidence of the certifications required by § 380.401 or § 380.111 of this

part when requested by an authorized FMCSA, State, or local official in the course of a compliance review.

Subpart B—LCV Driver-Training Program

§ 380.201 General requirements.

(a) The LCV Driver-Training Program that is described in the appendix to this part requires training using an LCV Double or LCV Triple and must include the following general categories of instruction:

- (1) Orientation;
- (2) Basic operation;
- (3) Safe operating practices;
- (4) Advanced operations; and
- (5) Nondriving activities.

(b) The LCV Driver-Training Program must include the minimum topics of training set forth in the appendix to this part and behind-the-wheel instruction that is designed to provide an opportunity to develop the skills outlined under the Proficiency Development unit of the training program.